

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

GABRIEL J. VALENZUELA,

Plaintiff,

v.

No. 21-cv-0746 RB-KRS

MARK BELL, *et al*,

Defendants.

ORDER EXTENDING PAYMENT DEADLINE

This matter is before the Court on Plaintiff's Motions to Waive the Initial Partial Filing Fee (Docs. 6, 7). The Court previously granted leave to proceed *in forma pauperis* and assessed an initial partial payment of \$3.80. (Doc. 3). Such payment is required by statute. It represents "20 percent of the greater of—(A) the average monthly deposits to the prisoner's account; or (B) the average monthly balance in the prisoner's account for the 6-month period immediately preceding the filing of the complaint..." 28 U.S.C. § 1915(b). Plaintiff states that while he received money from family within the six-month period, he does not currently have funds available to make a payment. The Court will extend the deadline to make an initial partial payment through December 1, 2021. If Plaintiff receives no additional funds before that time, he can file another motion to waive the filing fee. Such motion must attach an updated copy of the inmate account statement to confirm the absence of deposits.

IT IS ORDERED that Plaintiff's Motions to Waive the Initial Partial Payment (Docs. 6, 7) are **DENIED** without prejudice, and the deadline for Plaintiff to submit an initial partial payment of **\$3.80** is extended through **December 1, 2021**.



UNITED STATES MAGISTRATE JUDGE